

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HORACIO DEAVILA-CABRERA,
Plaintiff,

v.

UNITED STATES DISTRICT COURT,
Defendant.

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C.A. No. 13-338 Erie

MEMORANDUM ORDER

This prisoner civil rights action was received by the Clerk of Court on November 13, 2013, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, filed on January 6, 2014, recommended that Plaintiff's motion for leave to proceed *in forma pauperis* [ECF No. 1] be granted, but that Plaintiff's claims be dismissed on jurisdictional grounds, *sua sponte*, in accordance with 28 U.S.C. §1915(e). Service was made on Plaintiff by mail at FCI McKean, where he is incarcerated. No objections were filed. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 27th Day of January, 2014;

IT IS HEREBY ORDERED that Plaintiff's motion for leave to proceed *in forma*

pauperis [ECF No. 1] is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's claims are DISMISSED on jurisdictional grounds, *sua sponte*, in accordance with 28 U.S.C. §1915(e).

The report and recommendation of Magistrate Judge Baxter, dated January 6, 2014, is adopted as the opinion of the court.

/s/ Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

Horacio Deavila-Cabrera
13194-023
McKean Federal Correctional Institution
Inmate Mail/Parcels
P.O. BOX 8000
BRADFORD, PA 16701 _____